

REMARKS**Regarding the Claims in General:**

Claims 7-13 remain pending. The claims remain as presented in the Amendment Pursuant to 37 C.F.R. 196(b)(1) dated July 7, 2004. For the Examiner's convenience the claims are listed herein in clear form.

Regarding the Interview Held October 29, 2004:

Applicant's representative gratefully acknowledges the courtesy as assistance afforded to him by Examiner Chambers during an interview held by telephone on October 29, 2004. At that time, the Examiner advised that the amendments to the claims presented in Amendment dated July 7, 2004 (which reached him subsequent to his preparation of the outstanding Office Action), overcomes the new ground of rejection under 35 U.S.C. 112 stated in the Decision of the Board of Appeals and Patent Interferences (the Board). No agreement was reached as to the rejections under 35 U.S.C. 103, which remain as presented by the Examiner in the appeal.

The Examiner also pointed out an error on page 7 of the Office Action concerning the rejection of claim 7, ("grip thickness" should have read -- tether length --), and stated that relative to new claim 13, the British patent (Deane) shows the claimed ground anchors.

Regarding the New Ground of Rejection under 35 U.S.C. 112:

As this rejection has been overcome, it will not be discussed herein.

Regarding the Prior Art Rejections:

In the interest of brevity, a detailed discussion of the invention will be omitted, it being recognized that the Examiner understands the invention. It only needs to be reiterated that the distinguishing feature of the invention is the ability to set up the device for use with different clubs by proper selection of the location of the crossing-point of line 7 along line 3. To facilitate this, the set of colored markings (A, B, C) on line 3 serve as reference set up guide indicators.

It remains applicant's position that claim 12, as now stated, is not rendered obvious by the Windall and/or Deane references, whether considered singly, or in combination, because there is no suggestion in either of these references of a golf swing training device having:

a plurality of set-up guide indicators . . . representing respective locations which a user can select for the approximate center of said resilient line to cross said non-resilient line when the ends of said resilient and non-resilient lines are anchored to the ground for use of the device such that the device will operate correctly with a particular selected type of golf club.

This is a new and unobvious interaction between the claimed structure (i.e., the resilient and non-resilient lines), and renders the claims patentable for the reasons previously stated and analyzed. While the references can be combined to show indicia which interact with a golf training device having a *structure* similar to that of the invention, the interaction is entirely different, as explained in the Declaration Pursuant to 37 C.F.R. 1.132 of Johann Andersson dated March 5, 2004. As the record indicates, this was submitted to the Board but was not considered in view of the new ground of rejection.

Since the Examiner has also not considered the Declaration, it is respectfully requested that he do so at this time. For his convenience, an additional copy of the Declaration is appended hereto.

Under applicable law, as presented before the Board, such a novel and unobvious interaction between the indicia and the recited structure is a sufficient basis for patentability.

As claims 7-11 and 13 are dependent on claim 12, these are patentable for the same reasons as claim 12.

If the Examiner believes claim 12 can be amended to make it allowable, he is respectfully requested to contact applicant's representative of further discussion.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (703) 872-9306 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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Name of applicant, assignee or
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Signature

November 1, 2004

Date of Signature

LAH:ayh

Respectfully submitted,

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